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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,805	11/16/2001	Charles Patton	SRI-013	3867
52197 7590 06/20/2007 PATTERSON & SHERIDAN, LLP SRI INTERNATIONAL 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			EXAMINER MEUCCI, MICHAEL D	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/022,805

Applicant(s)

PATTON ET AL.

Examiner

Michael D. Meucci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22,24-35 and 37-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,24-35 and 37-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the request for reconsideration filed on 26 March 2007.
2. Claims 22, 24-35, and 37-47 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 24-35, and 37-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany (U.S. 5,960,344) in view of Keane et al. (U.S. 7,085,854 B2) hereinafter referred to as Keane.

a. As per claim 22, Mahany teaches: a method for managing communications over a plurality of networked devices, the method comprising: exchanging a first communication between a first networked device and a second networked device over a point-to-point medium (lines 51-67 of column 1 , line 62 of column 2 through line 12 of column 3, and lines 44-53 of column 5); and configuring, via said first communication, a use of a shared medium by at least said second network device (lines 35-52 of column 8 and lines 22-30 of column 9); said configuring enables said second networked device to communicate with a third networked device over said

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shared medium (lines 35-47 of column 2, line 64 of column 11 through line 22 of column 12, and Fig. 9).

Mahany does not explicitly teach: the first communication being a directed, one to one communication. However, Keane discloses: "provide configuration information for the network and/or for each gateway; exchange control information with the first gateway 450 and the second gateway 451 on the first tunnel 425 and the second tunnel 426, respectively; negotiate an encryption algorithm with each gateway; and negotiate an authentication technique (lines 4-9 of column 20). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the first communication directed and one to one. "For example, to enable the third tunnel (step 540), the control system 175 may perform one or more of the following: update the partner lists of the first gateway 450 and the second gateway 451 to reflect mutual consent; provide an indication that a tunnel between the first and second gateways 450, 451 is authorized; provide real IP addresses for each of the gateways to permit a connection through a base network, such as the Internet; provide the virtual IP address of each gateway to the other gateway to enable a tunnel between the gateways; facilitate the establishment of one or more tunnels by providing out-of-band signaling to the first gateway 450 and the second gateway 451 through the first tunnel 425 and the second tunnel 426, respectively; determine one or more partner lists for one or more gateways 450, 451," (line 57 of column 19 through line 4 of column 20 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention

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would have been motivated to have the first communication directed and one to one in the system as taught by Mahany.

b. As per claim 24, Mahany teaches: exchanging a second communication between said first networked device and said third networked device over said shared medium (lines 31-49 of column 12 and Fig. 9).

c. As per claim 25, Mahany teaches: said second networked device initiates said first communication (lines 51-67 of column 1).

d. As per claims 26-27, Mahany teaches: wherein at least one of: said first networked device and said second networked device is a personal computing device, and wherein said personal computing device is at least one of: a personal digital assistant, a tablet computer, a laptop computer, a mobile phone, a handheld gaming device and a picoradio (lines 6-18 of column 18 and Figs. 1-15).

e. As per claims 28-29, Mahany teaches: wherein said first networked device is a network resource and wherein said network resource is at least one of: a printer, a projection display, a robot, a scanner, a facsimile machine, and a data collection device (line 64 of column 11 through line 49 of column 12 and Fig. 9).

f. As per claim 30, Mahany teaches: wherein said first networked device is part of a wired communications network (lines 35-37 of column 1, lines 31-33 of column 2, lines 44-47 of column 8, and Figs. 1-15).

g. As per claim 31, Mahany teaches: wherein said second networked device is part of a wireless communication network (lines 35-38 of column 8, line 60 of column 8 through line 30 of column 9, and Figs. 1-15).

h. As per claim 32, Mahany teaches: wherein said point-to-point medium is at least one of: an infrared communications network and a radio frequency communications network (lines 30-32 of column 1, lines 10-29 of column 2, and Figs. 1-15).

i. As per claim 33, Mahany teaches: wherein said first communication grants at least one of said first networked devices and said second networked device a capability to perform a specified action in accordance with said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

j. As per claim 34, Mahany teaches: wherein said configuring comprises: providing data to said second networked device to enable said second networked device to connect to said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

k. Claims 35-47 contain similar limitations as those disclosed in claims 22-34 and are rejected under the same rationale.

### ***Response to Arguments***

5. Applicant's arguments filed 26 March 2007 have been fully considered but they are not persuasive.

6. (A) Regarding claims 22 and 35, the applicant contends that Mahany does not teach "using a communication between first and second devices over a first type of

communications medium to configure a communication between the first device and a third device over a second type of communications medium.” The examiner respectfully disagrees.

As to point (A), the applicant argues that Mahany teaches a wireless access point that communicates with network devices using first and second radio frequency broadcast channels. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., different types of communications medium) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner further points out that using multiple radio frequency broadcast channels is in fact different media, for the same reason that a first wire and a second wire can be considered different media. As such, the rejection remains proper and is maintained by the examiner.

7. (B) Regarding claims 22 and 35, the applicant contends that Keane also fails to teach “using a communication over a first type of communications medium to configure a communication over a second type of communications medium.” The examiner points out that Keane was not relied upon for rejecting this limitation of the claims. Keane was relied upon to teach only “the first communication being a directed, one to one communication.” This limitation was not argued by the applicant, which

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therefore renders the arguments directed towards Keane null. As such, all rejections remain proper and are maintained by the examiner.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhodes (U.S. 7,158,486 B2) discloses computation of routes under multiple network stations with communication continuation.



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Petermann (U.S. 2006/0246911 A1) discloses communications system with distributive call routing.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

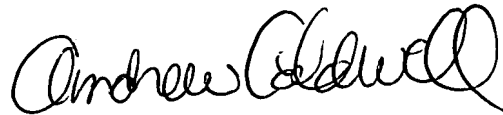
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized, looping flourish at the end.

ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER